

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MARLON A. PENA,

Plaintiff,

vs.

TD AUTO FINANCE/
CEO MIKE PEDERSON,

Defendant.

Civil Action No. 2:17-cv-00599-MCA-LDW

**NOTICE OF DEFENDANT TD AUTO FINANCE LLC'S
MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT on March 19, 2018, or on a date to be set by this Court, Defendant TD Auto Finance LLC (improperly named as "TD Auto Finance/CEO Mike Pederson") ("Defendant") by its undersigned counsel, will move before the Honorable Madeline Cox Arleo, U.S.D.J., at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street Newark, New Jersey 07101, for entry of an order dismissing Plaintiff's Amended Complaint for failure to state a claim as a matter of law.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendant shall rely on the accompanying brief and declarations. A proposed order is also submitted herewith.

Respectfully submitted,

BROWN & CONNERY, LLP

Attorneys for Defendant TD Auto Finance LLC

Dated: February 14, 2018

s/ Jeffrey R. Johnson

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CERTIFICATE OF SERVICE

I, Jeffrey R. Johnson, certify that I caused a copy of the foregoing Notice of Defendant TD Auto Finance LLC's Motion to Dismiss Plaintiff's Amended Complaint, Brief in support thereof, Declarations in support thereof and Proposed Order, to be served upon the party listed below by overnight mail:

Marlon A. Pena
1170 Main St., Apt. 25
River Edge, NJ 07661
Pro Se Plaintiff

Dated: February 14, 2018

s/ Jeffrey R. Johnson
Jeffrey R. Johnson